



Order Filed on October 6, 2016
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

UNITED STATES ATTORNEY'S OFFICE

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In re

GISELLE M. MARTINEZ
a/k/a GISELLE MARTINEZ,

Debtor.

Chapter 13

Case No. 16-13834-RG

Judge: Hon. Rosemary Gambardella

**STIPULATION AND ORDER DETERMINING THE EXTENT OF THE JUNIOR LIEN
OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

The relief set forth on the following pages, numbered two (2) through three (3) are hereby **ORDERED**

DATED: October 6, 2016

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Debtor: Giselle M. Martinez

Bankr. Petition No. 16-13834-RG

Caption of Order: Stipulation & Order Determining Extent of Junior Lien of U.S. Dept. of HUD

The debtor Giselle Martinez (the “Debtor”), and creditor, U.S. Department of Housing and Urban Development (“HUD”), enter into the following stipulation pertaining to the extent of HUD’s lien on real property owned by the Debtor:

HUD has a valid mortgage (the “HUD Subordinate Mortgage”) on the real property owned by the Debtor, commonly known as 78 Farrandale Avenue Bloomfield New Jersey (the “Property”).

The HUD Subordinate Mortgage in the approximate amount of \$12,274.27, shall be abrogated and null and void if the Debtor completes her chapter 13 plan in these proceedings and receives an order of discharge.

HUD shall have an allowed unsecured claim of \$12,274.27, against the Debtor.

Upon the Debtor’s successful completion of her chapter 13 plan and receipt of an order of discharge, the HUD Subordinate Mortgage shall be terminated.

In the event that the Debtor refinances the loans on the Property, or sells the Property prior to the completion of these chapter 13 proceedings and her receipt of a chapter 13 discharge, then the HUD Subordinate Mortgage will be paid: (i) in the event of a refinancing, in full at closing; and (ii) in the event of a sale, to the extent of proceeds remaining after satisfying senior mortgages on the Property, unless a lesser amount is agreed to by the parties.

In the event that the Debtor fails to complete her chapter 13 plan in these proceedings and fails to obtain a chapter 13 discharge order in bankruptcy case number 16-13834, this Order shall not affect the validity or enforceability of the HUD Subordinate Mortgage and may not be enforced in any subsequent bankruptcy case filed by the Debtor either to compel the holder of

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Debtor: Giselle M. Martinez

Bankr. Petition No. 16-13834-RG

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the HUD Subordinate Mortgage to execute a discharge of the HUD Subordinate Mortgage, or to otherwise act as a discharge or release of the HUD Subordinate Mortgage.

Upon completion of the Debtor's chapter 13 plan and the entry of a chapter 13 discharge order in these proceedings, the Debtor may record a certified copy of this Order, with a copy of the Debtor's chapter 13 discharge order attached, which will constitute and effectuate the discharge of the HUD Subordinate Mortgage.

IN WITNESS WHEREOF, HUD and Debtor have agreed to the foregoing as of the dates written below.

Dated: September 28, 2016

Dated: September 28, 2016

PAUL J. FISHMAN
UNITED STATES ATTORNEY
DISTRICT OF NEW JERSEY

GISELLE MARTINEZ

/s/ Eamonn O'Hagan

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/s/ Scott E. Tanne

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United States Bankruptcy Court
District of New Jersey

In re:
Giselle M Martinez
Debtor

Case No. 16-13834-RG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 07, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 09, 2016.

db #+Giselle M Martinez, 78 Farrandale Ave, Bloomfield, NJ 07003-5744

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 09, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 7, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MidFirst Bank dcarlon@kmlawgroup.com,
bkggroup@kmlawgroup.com

Eamonn O'Hagan on behalf of Creditor United States of America (U.S. Dept. of HUD)
eamonn.ohagan@usdoj.gov

Marie-Ann Greenberg magecf@magtrustee.com

Scott E. Tanne on behalf of Debtor Giselle M Martinez info@tannelaw.com, clerk@tannelaw.com
TOTAL: 4